

SUPPORT FOR AMENDED CLAIMS

Claim 3 is amended to depend on Claim 1. Claims 12 and 22 are amended for clarity only. Support for these amendments can be found in the claims as previously presented. Claims 12–20 and 22 are withdrawn; reconsideration is respectfully requested.

New matter has not been added.

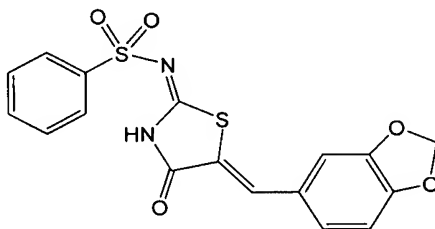
Claims 1–22 are pending.

### REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following Groups:

- Group I: Claims 1-11 and 21, drawn to a product of formula (I);
- Group II: Claims 12-18, drawn to a method of treating disease in a patient with a product of formula (I);
- Group III: Claims 19-20, drawn to a method of inhibiting a kinase with a product of formula (I); and
- Group IV: Claim 22, drawn to a method of preparing a product of formula (I).

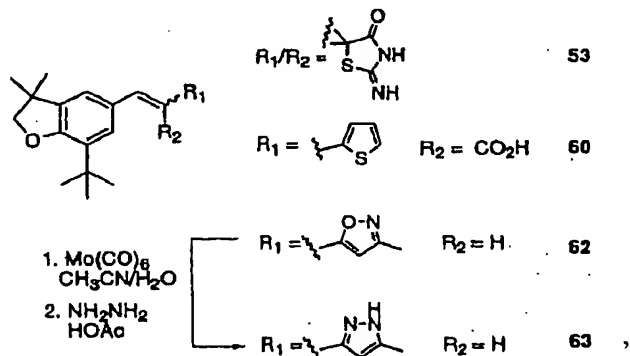
Furthermore, the Examiner is requiring an election of a single specie. Applicants provisionally elect, for examination purposes only and without traverse, specie N-(5-Benzo[1,3]dioxol-5-ylmethylene-4-oxo-thiazolidin-2-ylidene)-benzenesulfonamide, corresponding to Example 8 on page 47 of the specification (reproduced below). In the elected specie, which encompasses at least Claims 1, 2, 4, 5, 7, 8, 11, and 21, A is 2H-(benzo-1,3-dioxolanyl), R<sup>1</sup> and R<sup>2</sup> are hydrogen atoms, X is a sulfur atom, Y is an oxygen atom, G is phenyl sulfonyl.



Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (MPEP §803). Moreover, when citing lack of unity of invention in a national stage application, the Examiner has the burden of explaining why each group lacks unity with the others (MPEP § 1893.03(d)), i.e. why a single general inventive concept is nonexistent. The lack of a single inventive concept must be specifically described.

The Examiner alleges that Groups I–IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or

corresponding special technical features for the following reasons: "The technical feature linking the claims is the non-variable core of formula (I) and it is not a contribution over the prior art. For example, Janusz et al. (cited in the IDS) teaches the following compounds:



Applicants respectfully traverse the Restriction Requirement by contending that the cited reference does not disclose any of the presently claimed compounds. For example, R<sup>1</sup>/R<sup>2</sup> may be the heterocyclic structure, shown above, where the substituent corresponding to G of formula (I) is explicitly shown to be a hydrogen atom. However, hydrogen is not listed as a possibility for G in formula (I). Secondly, the structure of Janusz et al. shows the core aryl ring substituted with a t-butyl group. In the present invention, t-butyl is not listed as a possibility for R<sup>1</sup> in formula (I). Accordingly, Applicants respectfully submit that the Examiner has not shown that the core structure of the present invention is not a contribution over the prior art.

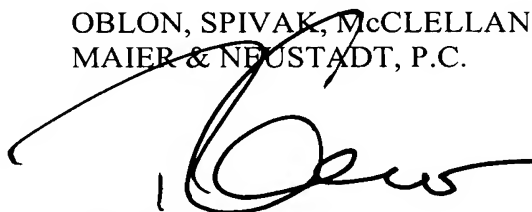
With respect to the elected specie, Applicants respectfully submit that, should the elected specie be found allowable, the Office should expand its search to the non-elected species.

For the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for restriction. Applicants therefore request that the requirement for restriction be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'Richard L. Treanor', is written over a horizontal line.

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